

House File 590 - Introduced

HOUSE FILE 590
BY COMMITTEE ON HUMAN
RESOURCES

(SUCCESSOR TO HF 415)

A BILL FOR

1 An Act relating to child abuse reporting, assessment
2 procedures, and placement on the central registry for
3 child abuse, and including effective date and applicability
4 provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.68, Code 2013, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 4A. *"Differential response"* means an
4 assessment system in which there are two discrete pathways
5 to respond to accepted reports of child abuse, a child
6 abuse assessment and a family assessment. The child abuse
7 assessment pathway shall require a determination of abuse and a
8 determination of whether criteria for placement on the central
9 abuse registry are met. As used in this subsection and this
10 part:

11 a. *"Assessment"* means the process by which the department
12 responds to all accepted reports of alleged child abuse. An
13 *"assessment"* addresses child safety, family functioning,
14 culturally competent practice, and identifies the family
15 strengths and needs, and engages the family in services if
16 needed. The department's assessment process occurs either
17 through a child abuse assessment or a family assessment.

18 b. *"Child abuse assessment"* means an assessment process by
19 which the department responds to all accepted reports of child
20 abuse which allege imminent danger or impact child safety.
21 A *"child abuse assessment"* results in a disposition and a
22 determination of whether a case meets the definition of child
23 abuse and a determination of whether criteria for placement on
24 the registry are met.

25 c. *"Family assessment"* means an assessment process by which
26 the department responds to all accepted reports of child abuse
27 which do not allege imminent danger or impact child safety. A
28 *"family assessment"* does not include a determination of whether
29 a case meets the definition of child abuse and does not include
30 a determination of whether criteria for placement on the
31 registry are met.

32 Sec. 2. Section 232.70, subsection 5, Code 2013, is amended
33 to read as follows:

34 5. Upon Immediately upon receipt of a report, the department
35 shall ~~do all of the following:~~

1 ~~a. Immediately, upon receipt of an oral report,~~ make
2 a determination as to whether the report constitutes an
3 allegation of child abuse as defined in section 232.68.

4 ~~b. Notify the appropriate county attorney of the receipt of~~
5 ~~the report.~~

6 Sec. 3. Section 232.71B, subsections 1, 3, 4, 10, 12, 13,
7 and 14, Code 2013, are amended to read as follows:

8 1. *Commencement of assessment — differential response —*
9 *purpose.*

10 a. If the department determines a report constitutes a child
11 abuse allegation, the department shall promptly commence an
12 appropriate either a child abuse assessment within twenty-four
13 hours of receiving the report or a family assessment within
14 seventy-two hours of receiving the report.

15 (1) Upon acceptance of a report of child abuse, the
16 department shall commence a child abuse assessment when the
17 report alleges imminent danger or impacts a child's safety.

18 (2) Upon acceptance of a report of child abuse, the
19 department shall commence a family assessment when the report
20 does not allege imminent danger or impact child safety.

21 b. The primary purpose of either the child abuse assessment
22 or the family assessment shall be the protection of the child
23 named in the report. The secondary purpose of ~~the assessment~~
24 either type of assessment shall be to engage the child's family
25 in services to enhance family strengths and to address needs.

26 3. *Involvement of law enforcement.* The department shall
27 apply protocols, developed with the local child protection
28 assistance team established pursuant to section 915.35, to
29 prioritize the actions taken in response to a child abuse
30 reports assessment and ~~to~~ shall work jointly with child
31 protection assistance teams and law enforcement agencies in
32 performing assessment and investigative processes for child
33 abuse reports assessments in which a criminal act harming a
34 child is alleged. The county attorney and appropriate law
35 enforcement agencies shall also take any other lawful action

1 which may be necessary or advisable for the protection of the
2 child. If a report is determined not to constitute a child
3 abuse allegation or if the child abuse report is accepted
4 but assessed under the family assessment, but a criminal act
5 harming a child is alleged, the department shall immediately
6 refer the matter to the appropriate law enforcement agency.

7 4. *Assessment process.* The

8 a. A child abuse assessment is subject to or family
9 assessment shall include all of the following:

10 (1) A safety assessment and risk assessment. If at any time
11 during a family assessment, a child is determined unsafe, it
12 appears that the immediate safety or well-being of a child is
13 endangered, it appears that the family may flee or the child
14 may disappear, or the facts otherwise warrant, the department
15 shall immediately commence a child abuse assessment.

16 (2) An evaluation of the home environment. If concerns
17 regarding protection of children are identified by the child
18 protection worker, the child protection worker shall evaluate
19 the child named in the report and any other children in the
20 same home as the parents or other persons responsible for their
21 care.

22 b. In addition to the requirements of paragraph "a", a child
23 abuse assessment shall include the following:

24 a. (1) Identification of the nature, extent, and cause of
25 the injuries, if any, to the child named in the report.

26 b. (2) Identification of the person or persons responsible
27 for the alleged child abuse.

28 c. (3) A description of the name, age, and condition of
29 other children in the same home as the child named in the
30 report.

31 ~~d. An evaluation of the home environment. If concerns~~
32 ~~regarding protection of children are identified by the child~~
33 ~~protection worker, the child protection worker shall evaluate~~
34 ~~the child named in the report and any other children in the~~
35 ~~same home as the parents or other persons responsible for their~~

1 ~~care.~~

2 ~~e.~~ (4) An interview of the person alleged to have committed
3 the child abuse, if the person's identity and location are
4 known. The offer of an interview shall be made to the person
5 prior to any consideration or determination being made that
6 the person committed the alleged abuse. The person shall be
7 informed of the complaint or allegation made regarding the
8 person. The person shall be informed in a manner that protects
9 the confidentiality rights of the individual who reported the
10 child abuse or provided information as part of the assessment
11 process. The purpose of the interview shall be to provide the
12 person with the opportunity to explain or rebut the allegations
13 of the child abuse report or other allegations made during
14 the assessment. The court may waive the requirement to offer
15 the interview only for good cause. The person offered an
16 interview, or the person's attorney on the person's behalf, may
17 decline the offer of an interview of the person.

18 ~~f. Unless otherwise prohibited under section 234.40~~
19 ~~or 280.21, the use of corporal punishment by the person~~
20 ~~responsible for the care of a child which does not result in~~
21 ~~a physical injury to the child shall not be considered child~~
22 ~~abuse.~~

23 10. *Multidisciplinary team.* In each county or multicounty
24 area in which more than fifty child abuse reports are made
25 per year, the department shall establish a multidisciplinary
26 team, as defined in section 235A.13, subsection 8. Upon the
27 department's request, a multidisciplinary team shall assist the
28 department in the assessment, diagnosis, and disposition of a
29 child abuse ~~report~~ assessment.

30 12. *Assessment Written assessment report.*

31 a. The department, upon completion of the child abuse
32 assessment or the family assessment, shall make a written
33 report of the assessment, in accordance with all of the
34 following:

35 ~~a.~~ (1) The written assessment report shall incorporate the

1 information required by subsection 4, paragraph "a".

2 ~~b.~~ (2) The A written child abuse assessment report shall
3 be completed within twenty business days of the receipt of the
4 child abuse report. A written family assessment report shall
5 be completed within ten business days of the receipt of the
6 child abuse report.

7 ~~c.~~ ~~The written assessment shall include a description of~~
8 ~~the child's condition, identification of the injury or risk to~~
9 ~~which the child was exposed, the circumstances which led to the~~
10 ~~injury or risk to the child, and the identity of any person~~
11 ~~alleged to be responsible for the injury or risk to the child.~~

12 ~~d.~~ (3) The written assessment report shall identify the
13 strengths and needs of the child, and of the child's parent,
14 home, and family.

15 ~~e.~~ (4) The written assessment report shall identify
16 services available from the department and informal and formal
17 services and other support available in the community to
18 address the strengths and needs identified in the assessment.

19 ~~f.~~ (5) Upon completion of the assessment, the department
20 shall consult with the child's family in offering services to
21 the child and the child's family to address strengths and needs
22 identified in the assessment.

23 b. In addition to the requirements of paragraph "a",
24 a written child abuse assessment report shall include a
25 description of the child's condition, identification of
26 the injury or risk to which the child was exposed, the
27 circumstances which led to the injury or risk to the child, and
28 the identity of any person alleged to be responsible for the
29 injury or risk to the child.

30 ~~g.~~ c. The Following a child abuse assessment, the
31 department shall notify each subject of the child abuse report,
32 as identified in section 235A.15, subsection 2, paragraph "a",
33 of the results of the child abuse assessment, of the subject's
34 right, pursuant to section 235A.19, to correct the report data
35 or disposition data which refers to the subject, and of the

1 procedures to correct the data.

2 d. Following a family assessment, the department shall
3 notify the parent or guardian of each child listed in the
4 child abuse report of the completion of the family assessment
5 and review any service recommendations. For cases assessed
6 pursuant to a family assessment, a person named in a child
7 abuse report as responsible for the alleged child abuse shall
8 not have the opportunity for a contested case hearing pursuant
9 to chapter 17A.

10 ~~h.~~ e. If after completing the child abuse assessment
11 ~~process~~ the child protection worker determines, with the
12 concurrence of the worker's supervisor and the department's
13 area administrator, that a child abuse report is a spurious
14 report or that protective concerns are not present, the
15 portions of the written assessment report described under
16 ~~paragraphs "d" and "e"~~ paragraph "a", subparagraphs (3) and (4)
17 shall not be required.

18 13. *Court-ordered and voluntary services.* ~~The~~ In cases where
19 abuse has been determined founded during the course of a child
20 abuse assessment, the department shall provide or arrange for
21 and monitor services for abused children and their families on
22 a voluntary basis or under a final or intermediate order of the
23 juvenile court.

24 14. *County attorney — juvenile court.* The department
25 shall provide the juvenile court and the county attorney with
26 a copy of the portion of the written child abuse assessment
27 report pertaining to the child abuse report, the portion of
28 the written family assessment report pertaining to the child
29 abuse report for cases in which the department requests a child
30 in need of assistance petition, or other reports for cases in
31 which the department requests a child in need of assistance
32 petition. The juvenile court and the county attorney shall
33 notify the department of any action taken concerning an
34 assessment provided by the department.

35 Sec. 4. Section 232.71B, Code 2013, is amended by adding the

1 following new subsections:

2 NEW SUBSECTION. 4A. *Child abuse determination.* Unless
3 otherwise prohibited under section 234.40 or 280.21, the use of
4 corporal punishment by the person responsible for the care of a
5 child which does not result in a physical injury to the child
6 shall not be considered child abuse.

7 NEW SUBSECTION. 16. *Rules.* The department shall adopt
8 rules regarding the intake process, assessment process,
9 assessment summaries, contact with juvenile court or the
10 county attorney, involvement with law enforcement, case record
11 retention, and dissemination of records for both child abuse
12 assessments and family assessments.

13 Sec. 5. Section 232.71C, Code 2013, is amended to read as
14 follows:

15 **232.71C Court action following ~~child abuse~~ assessment —**
16 **guardian ad litem.**

17 1. If, upon completion of an assessment performed under
18 section 232.71B, the department determines that the best
19 interests of the child require juvenile court action, the
20 department shall act appropriately to initiate the action.
21 If at any time during the assessment process the department
22 believes court action is necessary to safeguard a child, the
23 department shall act appropriately to initiate the action. The
24 county attorney shall assist the department as provided under
25 section 232.90, subsection 2.

26 2. The department shall assist the juvenile court or
27 district court during all stages of court proceedings involving
28 an alleged child abuse case in accordance with the purposes of
29 this chapter.

30 3. In every case involving child abuse which results in
31 a child protective judicial proceeding, whether or not the
32 proceeding arises under this chapter, a guardian ad litem
33 shall be appointed by the court to represent the child in the
34 proceedings. Before a guardian ad litem is appointed pursuant
35 to this section, the court shall require the person responsible

1 for the care of the child to complete under oath a detailed
2 financial statement. If, on the basis of that financial
3 statement, the court determines that the person responsible for
4 the care of the child is able to bear the cost of the guardian
5 ad litem, the court shall so order. In cases where the person
6 responsible for the care of the child is unable to bear the
7 cost of the guardian ad litem, the expense shall be paid out of
8 the county treasury.

9 Sec. 6. Section 232.71D, subsection 1, Code 2013, is amended
10 to read as follows:

11 1. The requirements of this section shall apply to child
12 abuse information relating to a report of child abuse and to an
13 a child abuse assessment performed in accordance with section
14 232.71B.

15 Sec. 7. Section 232.71D, subsection 3, paragraph b,
16 subparagraph (2), Code 2013, is amended to read as follows:

17 (2) The department determines the acts or omissions of the
18 alleged perpetrator meet the definition of child abuse and the
19 department has previously determined within the ~~eighteen-month~~
20 five-year period preceding the issuance of the department's
21 report that the acts or omissions of the alleged perpetrator in
22 a prior case met the definition of child abuse.

23 Sec. 8. Section 232.71D, subsection 6, paragraph a, Code
24 2013, is amended by adding the following new subparagraph:

25 NEW SUBPARAGRAPH. (03) Information pertaining to a child
26 abuse report for which there was an assessment performed but no
27 determination was made as to whether the definition of child
28 abuse was met.

29 Sec. 9. Section 232.77, subsection 1, Code 2013, is amended
30 to read as follows:

31 1. A person who is required to report a case of child abuse
32 may take or cause to be taken, at public expense, photographs,
33 X rays, or other physical examinations or tests of a child
34 which would provide medical indication of allegations arising
35 from ~~a child abuse~~ an assessment. A health practitioner may,

1 if medically indicated, cause to be performed radiological
2 examination, physical examination, or other medical tests of
3 the child. A person who takes any photographs or X rays or
4 performs physical examinations or other tests pursuant to this
5 section shall notify the department that the photographs or X
6 rays have been taken or the examinations or other tests have
7 been performed. The person who made notification shall retain
8 the photographs or X rays or examination or test findings for
9 a reasonable time following the notification. Whenever the
10 person is required to report under section 232.69, in that
11 person's capacity as a member of the staff of a medical or
12 other private or public institution, agency or facility, that
13 person shall immediately notify the person in charge of the
14 institution, agency, or facility or that person's designated
15 delegate of the need for photographs or X rays or examinations
16 or other tests.

17 Sec. 10. Section 232.141, subsection 6, Code 2013, is
18 amended to read as follows:

19 6. If a child is given physical or mental examinations or
20 treatment relating to ~~a child abuse~~ an assessment performed
21 pursuant to section 232.71B with the consent of the child's
22 parent, guardian, or legal custodian and no other provision
23 of law otherwise requires payment for the costs of the
24 examination and treatment, the costs shall be paid by the
25 state. Reimbursement for costs of services described in this
26 subsection is subject to subsection 5.

27 Sec. 11. Section 235A.13, subsection 10, paragraph f, Code
28 2013, is amended to read as follows:

29 *f.* A recording made of an interview conducted under chapter
30 232 in association with ~~a child abuse~~ an assessment.

31 Sec. 12. Section 235A.14, subsection 1, Code 2013, is
32 amended to read as follows:

33 1. There is created within the state department of
34 human services a central registry for certain child abuse
35 information. The department shall organize and staff the

1 registry and adopt rules for its operation.

2 Sec. 13. Section 235A.15, subsection 12, Code 2013, is
3 amended to read as follows:

4 12. If an individual who is the subject of a child abuse
5 report listed in subsection 2, paragraph "a", or another
6 party involved in ~~a child abuse~~ an assessment under section
7 232.71B releases in a public forum or to the media information
8 concerning a case of child abuse including but not limited to
9 child abuse information which would otherwise be confidential,
10 the director of human services, or the director's designee, may
11 respond with relevant information concerning the case of child
12 abuse that was the subject of the release. Prior to releasing
13 the response, the director or the director's designee shall
14 consult with the child's parent or guardian, or the child's
15 guardian ad litem, and apply to the court under section 235A.24
16 requesting a review of the information proposed for release and
17 an order authorizing release of the information.

18 Sec. 14. Section 235A.18, subsection 1, paragraph a, Code
19 2013, is amended to read as follows:

20 a. (1) Report and disposition data relating to a particular
21 case of alleged child abuse shall be sealed ten years after
22 the initial placement of the data in the registry unless good
23 cause be shown why the data should remain open to authorized
24 access. If a subsequent report of an alleged case of child
25 abuse involving the child named in the initial data placed in
26 the registry as the victim of abuse or a person named in the
27 data as having abused a child is received by the department
28 within this ten-year period, or within the period in which
29 the person's name is in the central registry, the data shall
30 be sealed ten years after receipt of the subsequent report
31 unless good cause be shown why the data should remain open to
32 authorized access. ~~However, a person named in the initial data~~
33 ~~placed in the registry as having abused a child shall have the~~
34 ~~person's name removed from the registry if that person has~~
35 ~~not had a subsequent case of alleged abuse which resulted in~~

1 ~~the person's name being placed in the registry as the person~~
2 ~~responsible for the abuse within the ten-year period.~~ Report
3 and disposition data shall be made available to the department
4 of justice if the department requests access to the alleged
5 child abuse records for purposes of review by the prosecutor's
6 review committee or commitment of sexually violent predators
7 under chapter 229A.

8 (2) Notwithstanding subparagraph (1), a person named in the
9 initial data placed in the registry as having abused a child
10 shall have the person's name removed from the registry after
11 ten years, if not previously removed from the registry pursuant
12 to the other provisions of this subsection, if that person has
13 not had a subsequent case of alleged abuse which resulted in
14 the person's name being placed in the registry as the person
15 responsible for the abuse within the ten-year period.

16 (3) (a) A person named in the initial data placed in the
17 registry as having abused a child shall have the person's name
18 removed from the registry after five years if the department
19 determined in the report and disposition data that the person
20 committed child abuse as defined in section 232.68, subsection
21 2, paragraph "a", subparagraph (1), (4), (6), or (7).

22 (b) Subparagraph division (a) shall not apply, and the
23 name of a person named in the initial data as having abused a
24 child shall remain in the registry as described in subparagraph
25 (1), if the department determined in the initial report and
26 disposition data the person committed child abuse as defined in
27 section 232.68, subsection 2, paragraph "a", subparagraph (1),
28 (4), (6), or (7) and the child abuse resulted in the child's
29 death or a serious injury.

30 Sec. 15. Section 235A.19, subsection 2, Code 2013, is
31 amended to read as follows:

32 2. At the time the notice of the results of an a child
33 abuse assessment performed in accordance with section 232.71B
34 is issued, the department shall provide notice to a person
35 named in the report as having abused a child of the right to

1 a contested case hearing and shall provide notice to subjects
2 other than the person named in the report as having abused a
3 child of the right to intervene in a contested case proceeding,
4 as provided in subsection 3.

5 Sec. 16. Section 235A.19, subsection 3, paragraph a, Code
6 2013, is amended to read as follows:

7 a. A subject of a child abuse report may file with the
8 department within ninety days of the date of the notice of the
9 results of ~~an~~ a child abuse assessment performed in accordance
10 with section 232.71B, a written statement to the effect that
11 report data and disposition data referring to the subject is
12 in whole or in part erroneous, and may request a correction
13 of that data or of the findings of the child abuse assessment
14 report.

15 Sec. 17. Section 915.35, subsection 4, paragraph b, Code
16 2013, is amended to read as follows:

17 b. A child protection assistance team may also consult
18 with or include juvenile court officers, medical and mental
19 health professionals, physicians or other hospital-based health
20 professionals, court-appointed special advocates, guardians ad
21 litem, and members of a multidisciplinary team created by the
22 department of human services for child abuse investigations.
23 A child protection assistance team may work cooperatively
24 with the early childhood Iowa area board established under
25 chapter 256I. The child protection assistance team shall
26 work with the department of human services in accordance with
27 section 232.71B, subsection 3, in developing the protocols
28 for prioritizing the actions taken in response to child abuse
29 ~~reports~~ assessments and for law enforcement agencies working
30 jointly with the department at the local level in processes for
31 child abuse ~~reports~~ assessments. The department of justice may
32 provide training and other assistance to support the activities
33 of a child protection assistance team.

34 Sec. 18. DEPARTMENT OF HUMAN SERVICES REVIEW — DISCRETION
35 FOR EARLY REMOVAL FROM REGISTRY.

1 1. The department of human services, in conjunction with
2 the department of inspections and appeals, the office of the
3 attorney general, and other stakeholders as deemed appropriate
4 by the department of human services, shall review and make
5 recommendations regarding a process for the removal of the
6 name of a person named in the initial data placed in the
7 central child abuse registry as having abused a child, at the
8 discretion of the department of human services, prior to the
9 five-year period as provided in section 235A.18, subsection 1,
10 paragraph "a", subparagraph (3), subparagraph division (a), as
11 enacted in this Act, or the ten-year period pursuant to section
12 235A.18, subsection 1, paragraph "a", subparagraph (1) or (2),
13 as amended in this Act.

14 2. The review and recommendations shall include specific
15 criteria the department of human services shall consider and
16 additional criteria the department of human services may
17 consider in making a determination of whether to remove a
18 person from the registry, the application process or other
19 recommended action that would commence the department's
20 determination of whether to remove the person from the
21 registry, the appeal process necessary in order to ensure
22 adequate protection of a person's due process rights, and cost
23 projections for the recommendations.

24 3. The department of human services, shall, by December 1,
25 2013, submit a report of its review and recommendations to the
26 governor and the general assembly.

27 Sec. 19. RULES. The department of human services shall
28 adopt rules to implement this Act.

29 Sec. 20. EFFECTIVE UPON ENACTMENT. The following
30 provision or provisions of this Act, being deemed of immediate
31 importance, take effect upon enactment:

32 1. The section of this Act requiring the department of human
33 services to adopt rules.

34 Sec. 21. EFFECTIVE DATE AND IMPLEMENTATION. The following
35 provision or provisions of this Act take effect January

1 1, 2014, except that the department of human services may
2 begin implementation prior to January 1, 2014, to the extent
3 necessary to transition to full implementation of these
4 provisions of this Act:

5 1. The sections of this Act amending sections 232.68,
6 232.70, 232.71B, 232.71C, 232.71D, 232.77, 232.141, 235A.13,
7 235A.14, 235A.15, 235A.18, 235A.19, and 915.35.

8 Sec. 22. APPLICABILITY.

9 1. The section of this Act amending section 232.71D,
10 subsection 3, relating to the placement of the names of the
11 child and the alleged perpetrator of the alleged child abuse
12 and any other child abuse information on the central registry
13 for child abuse information due to a prior case in which the
14 department determined the case met the definition of child
15 abuse, applies to cases in which the prior case which met the
16 definition of child abuse occurred on or after the effective
17 date of that section of this Act.

18 2. The section of this Act amending section 235A.18,
19 subsection 1, paragraph "a", relating to removal of the name
20 of a person named in the initial data placed in the central
21 registry for child abuse information as having abused a child,
22 shall apply to the name of an alleged perpetrator of the
23 alleged child abuse which is placed in the central registry
24 pursuant to section 232.71D on or after the effective date of
25 that section of this Act.

26 EXPLANATION

27 This bill relates to child abuse reporting, assessment
28 procedures, and placement on and removal from the central
29 registry for child abuse information.

30 MULTIPATH ASSESSMENT PROCESS. Current law provides that,
31 upon receipt of a child abuse report, the department of human
32 services (DHS) immediately determines whether the report
33 constitutes an allegation of child abuse which will lead to the
34 commencement of an assessment. The bill removes language that
35 requires DHS to notify the appropriate county attorney of the

1 receipt of the report.

2 The bill establishes a new assessment process upon the
3 receipt of a child abuse report. The bill provides that an
4 assessment will be conducted as a child abuse assessment if
5 the child abuse report alleges imminent danger or impacts
6 the child's safety. A child abuse assessment results in a
7 disposition. DHS makes a determination of whether the alleged
8 child abuse meets the definition of child abuse and makes
9 a determination of whether the case meets the criteria for
10 placement on the central registry for child abuse information.
11 This type of assessment is the current procedure upon receipt
12 of a child abuse report.

13 The bill adds a family assessment as another type of
14 assessment process, which is to be conducted if the child
15 abuse report does not allege imminent danger and does not
16 impact a child's safety. DHS will not make a determination of
17 whether the alleged child abuse meets the definition of child
18 abuse pursuant to a family assessment. DHS also will not make
19 a determination of whether the case meets the criteria for
20 placement on the central registry for child abuse information
21 under this assessment process. However, the bill provides
22 that if, during a family assessment, it is determined a child
23 is unsafe, it appears the immediate safety or well-being of
24 a child is endangered, the family may flee, the child may
25 disappear, or if other facts so warrant, DHS shall immediately
26 commence a child abuse assessment.

27 Upon receipt of a child abuse report and acceptance that the
28 child abuse report alleges an incident of child abuse, the bill
29 requires DHS to commence either a child abuse assessment within
30 24 hours of receiving that report or a family assessment within
31 72 hours of receiving that report.

32 The bill provides that DHS is only required to apply the
33 current protocols, which are developed with the local child
34 protection assistance team, to prioritize actions and to work
35 with child protection assistance teams and law enforcement

1 agencies in response to a child abuse assessment, not a family
2 assessment. However, the bill does require DHS to immediately
3 refer the matter to the appropriate law enforcement agency if a
4 child abuse report is assessed under the family assessment and
5 a criminal act harming a child is alleged.

6 The bill provides that a child abuse assessment shall be
7 conducted as provided under current law. The bill establishes
8 the process for the family assessment. Both a child abuse
9 assessment and a family assessment include a safety assessment,
10 a risk assessment, and an evaluation of the home environment.

11 A child abuse assessment also requires, pursuant to current
12 law, the identification of the nature, extent, and cause of
13 injuries to the child named in the report, the identification
14 of the person or persons responsible for the alleged child
15 abuse, a description of the name, age, and condition of other
16 children in the same home as the child named in the report,
17 and an interview of the person alleged to have committed the
18 child abuse. Both the child abuse assessment and the family
19 assessment may include a home visit, facility or school visit,
20 information request, protective disclosure, and physical
21 examination pursuant to Code section 232.71B.

22 The bill requires DHS to make a written assessment report for
23 both a child abuse assessment and the family assessment. The
24 written assessment reports must include information related to
25 the safety assessment and risk assessment, information related
26 to an evaluation of the home environment, identification of the
27 strengths and needs of the child, the child's parent, home, and
28 family, and an identification of services available from DHS
29 and other services available in the community. Upon completion
30 of the written assessment report for either the child abuse
31 assessment or a family assessment, DHS must consult with the
32 child's family to offer services to the child and the child's
33 family. The bill retains current requirements for written
34 child abuse assessment reports.

35 A written child abuse assessment report must be completed

1 within 20 business days of the receipt of the child abuse
2 report and a written family assessment report must be completed
3 within 10 business days of the receipt of the child abuse
4 report.

5 The bill provides that after a family assessment, DHS must
6 provide notice to the parent or guardian of a child listed in
7 the child abuse report of the completion of the assessment
8 and review any service recommendations. Notice to a person
9 named in the initial child abuse report as responsible for the
10 alleged child abuse is not required after a family assessment,
11 as that person does not have the opportunity for a contested
12 case hearing since DHS did not make a determination of whether
13 child abuse occurred and the information arising from a family
14 assessment is not reported to the registry.

15 The bill provides that DHS must provide the juvenile court
16 and the county attorney with the portion of a written child
17 abuse assessment report pertaining to the child abuse report.
18 However, DHS only needs to provide such portion of the written
19 family assessment report in cases in which DHS is requesting a
20 child in need of assistance petition. DHS may request court
21 action following either a child abuse assessment or family
22 assessment.

23 The bill states that the requirements of section 232.71D,
24 relating to the central registry, apply to child abuse
25 information involving a report of child abuse and a child abuse
26 assessment, but not a family assessment.

27 The bill provides that the confidentiality of information
28 relating to an assessment in which no determination was made
29 as to whether the definition of child abuse was met shall be
30 maintained in accordance with Code section 217.30.

31 The bill requires DHS to adopt rules regarding the intake
32 process, assessment process, assessment summaries, contact
33 with juvenile court or the county attorney, involvement with
34 law enforcement, case record retention, and dissemination
35 of records for both child abuse assessments and family

1 assessments.

2 The bill provides that the provisions relating to the
3 establishment of a multipath assessment process upon the
4 receipt of a child abuse report are effective January 1, 2014,
5 except that DHS may begin implementation prior to January 1,
6 2014, to reach full implementation by that date. The bill also
7 provides that DHS must adopt rules for implementation. That
8 provision is effective upon enactment.

9 CENTRAL CHILD ABUSE REGISTRY. Current law provides that
10 the names of the child and the alleged perpetrator of the
11 alleged child abuse and any other child abuse information shall
12 be placed in the central registry as a case of founded child
13 abuse if DHS determines the acts or omissions of the alleged
14 perpetrator meet the definition of child abuse and DHS has
15 determined within the preceding 18 months that the acts or
16 omissions of the alleged perpetrator in a prior case met the
17 definition of child abuse. The bill increases the amount of
18 time between the current offense and the previous offense, from
19 18 months to five years, for which a previous determination
20 of child abuse will result in placement on the registry.
21 This section of the bill is applicable to cases in which the
22 previous case that met the definition of child abuse occurred
23 on or after January 1, 2014.

24 The bill also provides for the removal of the name of a
25 person named in the central registry for child abuse as having
26 abused a child after five years rather than the 10 years
27 currently required if in the report and disposition data, DHS
28 determined the person committed one of the following types
29 of child abuse as defined in Code section 232.68: physical
30 injury, failure to provide critical care, the presence of an
31 illegal drug in the child's body, and the manufacture and
32 possession of a dangerous substance in the child's presence.
33 However, the name of such a person named in the initial data
34 placed on the registry as having abused a child shall not
35 be removed after five years if the child abuse resulted in

1 a child's death or serious injury of the child. The bill
2 provides that the Code section regarding removal of the name of
3 a person from the registry after five years applies to report
4 and disposition data placed on the registry on or after January
5 1, 2014.

6 The bill requires DHS, in conjunction with the department of
7 inspections and appeals, the office of the attorney general,
8 and other stakeholders deemed appropriate by DHS, to review and
9 make recommendations regarding the process for the removal of
10 a person from the child abuse registry prior to the five-year
11 period as allowed under the bill, or the 10-year period
12 currently provided. The bill states that the review shall
13 include specific criteria that DHS must and could consider
14 in determining whether to remove a person from the registry,
15 the application process or other action which would commence
16 DHS's determination of whether to remove the person from the
17 registry, the appeal process necessary to ensure protection
18 of a person's due process rights, and cost projections for
19 recommendations. The bill requires DHS to submit the report of
20 the review and recommendations to the governor and the general
21 assembly by December 1, 2013.